



# ELECTION NEWS

A special informational bulletin  
on the implementation of  
Michigan election law.

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Michigan Department of State - Terri Lynn Land, Secretary of State

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<p><b>Compliance With Michigan's Voter Identification Requirement: Special Accommodations Must Be Made When Necessary</b></p>
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***Processing a female voter who wears fabric that covers her face:*** The following guidance is offered for processing a female voter who wears fabric that covers her face (burka or niqab) due to her religious beliefs or teachings. It merits note that in all of the scenarios described below, it is assumed that 1) the voter has produced an acceptable form of picture identification and 2) the voter appears on the precinct's QVF list.

- As an initial consideration, election inspectors must never ask or direct a voter to violate his or her religious beliefs or teachings.
- If the voter's face is considerably covered, yet her facial features are sufficiently visible for a positive identification when viewing the voter's picture identification, there is no need for the election inspector to take any special actions. In such instances, the election inspector must issue the voter a ballot under routine procedure.

- If the voter's face is considerably covered and her facial features are not sufficiently visible for a positive identification when viewing the voter's picture identification, the election inspector should proceed as follows:
  - 1) The election inspector should politely ask the voter if she would be willing to remove the covering in private in the presence of a female election inspector to permit the completion of the voter identification step. If the voter agrees, and positive identification is made, the election inspector must issue the voter a ballot under routine procedure; no further actions are needed.

Note: If the voter accepts this accommodation and a woman does not serve on the precinct board, the election inspector must contact the clerk to arrange to have a female election inspector or staff person sent to the precinct to assist with the identification of the voter.

- 2) If the voter is unwilling to accept this accommodation, the election inspector should ask the voter if any other special accommodations could be made which would allow her to remove the covering and permit the completion of the voter identification step. If the voter suggests a special accommodation, the election inspector must make every reasonable effort to meet the voter's needs. If positive identification is made, the election inspector must issue the voter a ballot under routine procedure; no further actions are needed.
- 3) If the voter indicates that there are no special accommodations that can be made which would allow her to remove the covering and permit the completion of the voter identification step, the election inspector must issue the voter a provisional ballot. The provisional ballot must be preserved as an "envelope" ballot. The completion of the Four-Step Procedure Form is not necessary. (The completion of the Four-Step Procedure Form is only necessary in instances where a voter's name does not appear on the QVF list.)

When preserving the provisional ballot as an "envelope" ballot, the election inspector must 1) check the ID requirement box on the outside of the provisional ballot security envelope 2) mark the outside of the provisional ballot security envelope with the words "Michigan voter identification requirement" and 3) give the voter the required provisional balloting notices.

***Voters unwilling to execute a "sworn" statement:*** In any instance where a voter who must sign the "Affidavit of Voter Not in Possession of Picture Identification" in order to vote refuses to sign the affidavit because it is a "sworn" statement, the election inspector must strike the word "swear" and write the word "affirm" where the word "swear" appears on the affidavit form.

## Maintaining Order on Election Day

Michigan election law, MCL 168.678, extends precinct boards full authority to “maintain peace, regularity and order at the polling place ....” Precinct boards are extended such authority as voters have a right to vote a secret ballot in a secure, orderly environment which is free of distractions. To ensure the orderly management of the polls on November 6, all city and township clerks are urged to take the following actions before the polls open:

- Outside of each building which will be used as a polling place, measure off and mark where individuals who wish to solicit votes outside of the polls may conduct their campaign activities. (Michigan election law stipulates that no person is permitted to solicit votes or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the building in which a polling place is located.)
- Inside each room where a polling place will be established, clearly mark off the “public area” of the room. The “public area” of the polling place must be clearly distinguishable from the “voting area” of the room. All poll watchers and media representatives must remain in the “public area” of the polling place at all times.

### ***Use of video cameras, cell phones, cameras, televisions and recording equipment in the polls:***

To ensure that all voters who attend the polls on November 6 have a full opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- The use of video cameras, still cameras and recording devices by voters, challengers and poll watchers is prohibited in the polls during the hours the polls are open for voting. (This includes the video camera, still camera and recording features built into many cell phones.)
- Broadcast stations and news media representatives may be permitted to briefly film from the public area of the polling room. In no case can personnel working for broadcast stations or the news media set up a camera in the voting area of the polling room. In an instance where a broadcast station or media representative wishes to film a polling room and the public area of the polling room is too small to accommodate the film crew without interfering with the voting process, the film crew must film from the entryway to the polling room. Regardless of whether a film crew making such a request positions themselves in the public area of the polling place or the entryway to the polling room, the precinct chairperson must supervise the filming process to ensure that the secrecy of the ballot is fully protected and no voters are inconvenienced by the filming process.
- News reporters are not permitted to interview voters inside the polling place.
- The use of cell phones by voters who have entered a voting station to vote is prohibited. Voters may be permitted to use cell phones while waiting in line at the processing table if not disruptive to the voting process. Similarly, challengers and poll watchers may use cell

phones if not disruptive or intrusive. (Of course, as noted above, the video camera, still camera and recording features built into many cell phones can never be used in the polls.)

- Television watching is prohibited in the polls during the hours the polls are open for voting.

***Actions to take if problems occur:*** If a challenger or poll watcher is disruptive or refuses to observe all applicable conduct standards, caution the challenger or poll watcher that he or she will be ejected from the polls if problems persist.

If problems with the challenger or poll watcher continue, eject the individual from the polling place. If the challenger or poll watcher refuses to leave the polling place, contact your local enforcement authorities and ask for assistance in removing the challenger or poll watcher from the polls.

If your local enforcement authorities will not eject challengers or poll watchers from the polls at your request, contact the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540.

***Points of clarification:*** Important points of clarification regarding the appointment and conduct of challengers and poll watchers are provided below:

- “Challengers” can be placed in the polls by the political parties, interest groups that support or oppose the passage of a proposal on the ballot and organizations which have an interest in preserving the purity of elections. Political parties are free to appoint challengers through the date of the election; advance application is not required. Interest groups which support or oppose the passage of a proposal or organizations which have an interest in preserving the purity of elections must apply for authorization to appoint challengers 20 to 30 days prior to the election.
- Attorney General Opinion No. 6488, issued January 15, 1988, provides that a person who wishes to observe the election process – who is not qualified to serve as an election “challenger” – can watch from the public area of the polling room. Such individuals, commonly known as “poll watchers,” do not have the right to approach voters, challenge a person’s right to vote or question the actions of the precinct board.
- Challengers and poll watchers cannot display any signs, distribute literature or approach voters in the polls or within 100 feet of any doorway being used by voters to enter the building in which the polling place is located.
- Poll watchers and challengers do not have the authority to approach voters or talk to voters for any reason.
- Challengers and poll watchers do not have the right to use video cameras or recording devices in the polling place.

- A challenger may sit behind the processing table; a poll watcher does not have this privilege. (Poll watchers must sit or stand in the “public area” of the polling place where they will not interfere with the voting process.)
- Challengers have a right to look at the Poll Book; poll watchers may look at the Poll Book at the discretion of the precinct board chairperson. A challenger or a poll watcher may not touch the Poll Book or any other voting records.
- A challenger or poll watcher who has the name of an organization he or she represents displayed on a button, armband, vest, t-shirt or other item of clothing must remove it or turn it over.
- Poll watchers and challengers do not have the authority to place tables in the polls.

<p><b>Adopting Precinct Boundary Alterations for the 2008 Election Cycle: Important Considerations</b></p>
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Pursuant to Michigan election law, the boundaries of all precincts which will be used to administer the May, August and November elections in 2008 must be finalized no later than January 8, 2008. Any precinct boundary alterations made by the January 8, 2008 deadline must go into effect no later than February 7, 2008. (MCL 168.661(2))

It merits note that Michigan election law, MCL 168.662(4), prohibits the legislative body of a city or township to establish, move or abolish a polling place less than 60 days before an election unless the polling place has been “damaged, destroyed or rendered inaccessible or unusable as a polling place.” Thus, the deadline for reassigning voters to a different polling place location for the January 15, 2008 presidential primary elapses on November 16, 2007. In view of the November 16, 2007 polling place relocation deadline for the presidential primary, cities and townships that 1) plan to adopt precinct boundary alterations for the 2008 election cycle that will involve the reassignment of voters to new polling places and 2) have not adopted the precinct boundary changes by November 16, 2007 must not put the new precinct boundaries into effect until after conduct of the January 15, 2008 presidential primary.

***Authority to change precincts:*** In a township, the approval of all planned precinct boundary changes must be granted by the local election commission. In a city, the approval of all planned precinct boundary changes must be granted by the local election commission or other officials charged with the performance of the duty by the city’s charter.

***Information on altered precinct boundaries required:*** If your jurisdiction alters any precinct boundaries, please forward a map showing your *new* precinct boundaries, a map showing your *former* precinct boundaries and a record of the action taken to effect the change to the attention of Dave Tarrant, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726.

The information will be used to ensure that the Qualified Voter File is properly programmed for your city or township. If you have any need for assistance with this request, please feel free to contact the QVF Help Desk at (800) 310-5697.

***Precinct boundary requirements:*** Michigan election law stipulates that all precincts “shall be composed as nearly as practicable of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.” A “clearly observable boundary” is defined under the law as follows:

- A named road or street.
- A road or highway that is part of the federal, state primary, or state secondary road system.
- A river, stream, or drainage feature that is 40 feet or more in width.
- A natural or constructed permanent physical feature that is shown on an official county, city, or township map issued by the Department of Transportation or a United States geological survey topographical map. (A school district boundary line can be used to define a precinct boundary line.)
- An apartment building, a dormitory, or other permanent multiple-unit housing structure.

If the observance of the above precinct boundary requirements is impossible due to the particular geographic features of your jurisdiction, please advise this office in writing as soon as possible. While this office does not have the authority to waive the precinct boundary requirements, we will be happy to assist you in any way possible with any difficulties you may encounter in complying with the requirements.

***Precinct size limits and voting station minimums:*** An optical scan precinct must not contain more than 2,999 registered voters. At least one voting station must be provided for each 300 registered voters.

***Important caution regarding voting station formula:*** The voting station minimum provided above (one station for each 300 registered voters) must be exceeded when and where appropriate after careful consideration has been given to the projected turnout, length of the ballot and the number of voters each voting station can handle per hour. If, after the election commission has considered these three factors, it appears that the number of voting stations needed in each precinct to ensure the orderly conduct of the election exceeds the minimum requirements, the minimum requirements must be exceeded as appropriate. The election commission does not have the option of following the minimum voting station requirements after it has been determined that the minimum is inadequate for the election at hand.

<b>Candidates Elected on November 6 Must File a “Post-Election Campaign Finance Statement” Before Assuming Office</b>
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Michigan election law, MCL 168.848, requires any candidate elected to office on the state, county or local level to file an affidavit prior to assuming office which states that at the date the affidavit was executed “all statements, reports, late filing fees, and fines required of the candidate or a candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”

- The affidavit is not required of an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the form to the filing official designated to receive the elected candidate’s campaign finance disclosure filings.
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by a “fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.” An elected candidate who falsifies the statement is guilty of perjury punishable by a “fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both.”

The Post-Election Campaign Finance Compliance Statement form is available on the Bureau’s website under “Publication and Forms” <[www.michigan.gov/sos](http://www.michigan.gov/sos)>.

<b>Filing Deadline for May 6, 2008 Election Elapses on February 13, 2008</b>
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Local school board candidates, community college trustee candidates and district library board candidates who wish to seek office at the May 6, 2008 election must file an Affidavit of Identity and a nominating petition no later than 4:00 p.m. on Wednesday, February 13, 2008. A \$100.00 nonrefundable filing fee may be filed by the candidate in lieu of a petition. The candidate withdrawal deadline elapses at 4:00 p.m. on Tuesday, February 19, 2008. (Note: As the twelfth Tuesday prior to the May 6 election falls on Tuesday, February 12 (Lincoln’s birthday), the candidate filing deadline moves forward to Wednesday, February 13. As Monday, February 18 is Washington’s birthday, the 3-day candidate withdrawal deadline moves forward to Tuesday, February 19.)

If the population of the district is less than 10,000, the candidate’s petition must contain a minimum of 6 signatures; no more than 20 signatures can be filed to cover the minimum signature requirement. If the population of the district is 10,000 or more, the candidate’s petition

must contain minimum of 40 signatures; no more than 100 signatures can be filed to cover the minimum signature requirement.

The filing deadline for community college trustee candidates and district library board candidates was moved to the twelfth Tuesday prior to the election under a package of amendments enacted into law in July 2005 to facilitate the administration of Michigan's new "consolidated elections" laws.

As a further effect of the amendments, community college trustee candidates are now subject to the petition signature requirements provided under Michigan election law, MCL 168.303, and have a \$100.00 filing fee option as noted above.

A calendar of dates and deadlines associated with the May 6, 2008 election can be accessed through the Department's website <[www.michigan.gov/sos](http://www.michigan.gov/sos)>.

<b>Election Resources Available on Department's Website</b>
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A wide variety of election related information and materials can be accessed through the Department's website <[www.michigan.gov/sos](http://www.michigan.gov/sos)>. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the website include the following:

- Michigan election law.
- November 6, 2007 election date calendar.
- January 15, 2008 presidential primary calendar.
- May 6, 2008 election date calendar.
- 2008 August/November election dates.
- Provisional balloting implementation materials.
- Michigan voter identification implementation materials.
- AutoMARK implementation materials.

<b>Have a Question or Need Assistance?</b>
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If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

**Mailing address:** Michigan Department of State  
Bureau of Elections  
PO Box 20126  
Lansing, MI 48901-0726

**Phone:** (517) 373-2540

**Email:** [elections@michigan.gov](mailto:elections@michigan.gov)

**Fax:** (517) 373-0941